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HON. S. U. DOWNS, OF LOUISIANA,

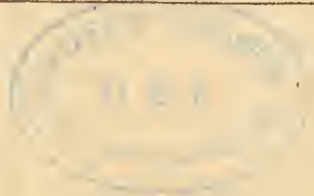
ON THE BILL TO ESTABLISH

A TERRITORIAL GOVERNMENT IN OREGON.

DELIVERED

IN THE SENATE OF THE UNITED STATES, JUNE 3, 1848.

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SLAVERY IN THE TERRITORIES.

The Bill to establish a Territorial Government in Oregon being under consideration in the Senate, as in Committee of the Whole—

Mr. DOWNS said: I am very sorry that the debate upon this bill, which was entirely unexpected to me at least, should have taken the turn it has this morning. I supposed yesterday that there was a general understanding—it being that there was a sufficient number of Senators in favor of the bill, with one modification, to secure its passage—that this twelfth section should be stricken out. This was the understanding of the majority of the committee. The gentleman who acts in behalf of the committee, in the absence of the chairman, assented to that course. I am very sorry he has changed his course, and has this morning withdrawn his motion to strike out the twelfth section. I agree with the honorable Senator from Missouri [Mr. BENTON] that in acting upon this bill it is wholly unnecessary to introduce the question of slavery. A bill so important as this should be passed without raising, unnecessarily, that vexed question. I believe I may say I regretted its introduction as much as any member of this body. I wish to be understood upon this subject. I hold not extreme opinions on the extension of slavery into new territory. I stop a good deal short of the opinion, it is well known, which some gentlemen upon this floor entertain. I do not choose to pursue it as far at present as some gentlemen do. I have been contending for moderation, forbearance, for no denunciations, for standing where we have always heretofore stood. I have never contended, that by operation of the Constitution of the United States in a new territory, slavery necessarily existed. I have assumed no such position. That is a question which has not been much discussed. I do not choose to commit myself fully upon it. But I may say that no man up to this time ever heard me express a desire to be exonerated from an expression of my opinions. I do not ask it now. But it requires further elucidation. My present impressions are these: I am willing to leave the question where I believe a large portion of the people of the United States are willing that it should be left, viz: with the people of the Territories themselves. Hence it was that I hoped this bill would be permitted to pass without requiring the express declaration of Congress as to the position they will take upon this exciting question. Now, upon what right, or upon what ground, can those who hold a different opinion object to this course? According to their own principles, they ought not to object for a moment. Their first principle is, that by the Constitution and laws as they exist, in new Territories slavery cannot exist. It is not contended that it was ever established there; it cannot, therefore, exist, according to their own doctrine. The whole weight of argument seems to be against those who insist that Congress should now interpose. Where is the necessity, if their principle is correct? But in this case it is not left a blank. The people of Oregon

have moved in regard to the subject. They have passed an ordinance, made a provision, which I think is tantamount to the amendment proposed by the Senator from New Hampshire, [Mr. HALE,] prohibiting slavery, as though there was a doubt about the existence of the prohibition there, or that we supposed they had provided for its establishment. Does striking out the twelfth section interfere with it in any way? Not at all. Not in the least. I was astonished at the strange position assumed by the honorable Senator from North Carolina, [Mr. BADGER,] that unless this proposition was adopted, all their laws would be abrogated. It was sufficiently answered by the honorable Senators from Texas and South Carolina, [Mr. RUSK and Mr. BUTLER.] But I presume there are very few in this Senate who entertain that opinion. Those laws were adopted in Oregon under extraordinary circumstances. This Government had failed to extend its laws over them. It was necessary that they should have laws for their government. It is perfectly immaterial whether the act recognize them or not; they were adopted because they had no other laws there. They will, so far as they are incompatible with the Constitution and laws, cease when our laws are extended over them. I know not by what authority, except by consent of the people, they have any operation at all even now; but whatever authority they have will remain, it is certain—whatever you enact here—until your new system goes into operation; and then, when not inconsistent with it.

Why, then, should those who contend that slavery ought not to be extended to Oregon raise this question here? In the first place, according to their own principle, there can be no danger of what they wish to avoid. In the next place, they have a positive enactment of the Provisional Government forbidding it. In addition to that, there cannot be a man who believes for a moment that slavery can exist there. You cannot induce a man holding slaves to go there with his slaves. It would be perfectly useless. Everybody seems to admit that. Upon these three grounds, then, the case stands clearly against us. You have it all your own way. And yet it is insisted here now without object, and therefore insultingly, that this measure must be rammed down our throats *volens volens*! Is this the spirit of brotherly love, compromise, and concession, in which our glorious Union originated? Could it have grown up under the influence of such feelings? Will it last while such are indulged? These are thoughts on which we ought all to ponder and to pause. I have never yet despaired of the Union; I hope I never shall. I am not disposed to brood over evils that may never come; but such a measure, at such a time, under such circumstances—offered voluntarily as a boon one day and snatched back the next—unnecessary, not practical, as useless to you as the pound of flesh to the Jew, but death to us—is, it is painful to confess, no omen of good! It cannot be contended that there is a necessity for it.

Mr. President, some gentlemen may have been surprised at the concessions of the honorable Senator from New Hampshire [Mr. HALE] the other day, when he withdrew his amendment; but they see now, I have no doubt, that the gentleman understood what he was doing. Whatever may have been considered as to concession in the withdrawal of that amendment at the time, it is evident now that the question of the Wilmot Proviso is as clearly and distinctly involved in the twelfth section of this bill as in the amendment. And when the amendment of the honorable Senator from Florida was also withdrawn, it was understood that the bill should be passed without either; but now the head of the committee has abandoned that position and withdrawn his amendment, and I regret to say we are back in the same position in which we were before

the amendment of the Senator from New Hampshire was withdrawn. And we have no choice. It amounts to the same thing. I do not think this ought to be pressed upon us, under the circumstances, at this time.

I had no idea of saying a word upon this subject. Upon this, as upon most other questions, my disposition is to hear, and to be informed, not to speak; but I was so much astonished at the course taken this morning, I felt it to be so unpropitious a course to produce harmony on this subject, so calculated to lead to evil consequences, that I could not resist the inclination I felt to raise my voice against it. I do not intend to enter into the general discussion upon this subject. I believe the die is cast. Gentlemen see that this question must be met, and perhaps it may as well be met here as anywhere else. It seems to be the necessary tendency of the proceeding of to-day; still, at this stage of the debate, I am not disposed to enter into the discussion of the subject at large, although there were some remarks made by the Senator from Connecticut [Mr. NILES] that are so extraordinary, that I would consider myself derelict in duty if I were to permit them to pass without notice. But here, be it remarked, as in all other phases of this matter, we act on the defensive. I shall not attempt to quote the precise words of the Senator, but merely state the substance of some of the points made by him. As I understand, one of his positions is, that the power of this Government rests with the South; that there is a preponderance of power and most of the high offices held there, and that that power is maintained by the institution of slavery. Now, I do not think there is any cause for a complaint of this kind. I do not believe that it ever entered into the designs or thoughts of the people of the South, that this predominance in relation to public offices should prevail in the South. If it has existed, it has arisen in the natural course of events, and not from any design on the part of the South. If it has happened that more distinguished officers of the Government have come from the South, to say that they have been brought into office by the power of this slave question, is an assertion which has no foundation. But gentlemen say that the greater number of Presidents have been taken from the South, and that it has been through the influence of this slave question. You might as well say that the man who fought at the head of our army for our liberties in the revolution, and who was by acclamation placed in the Presidential chair afterwards, attained these honors by means of the slave question. Why was it that he was placed in the most distinguished position in the revolutionary war? Why was it that the sinews of war were placed in his hands? It was not by a caucus of Southern men, it was not upon Southern soil, but in the North. He did not assume his command in the South. Did it enter into the conceptions of either the North or the South, that he was placed there because he came from the South? Not at all, but because he had rendered more service to the country than any other man. He was consequently the people's choice. The same almost might be said of other Presidents and high officers from the South. Whoever pretended that Jefferson, Madison, Monroe, Jackson, Marshall, and others like them, owed their high places and honors to the slave power, as it is called? Who thought of such a thing when they came into power? No, sir; blame us not if we have had more high offices than you; it was not our fault; we left these things to the natural course of the Government. If you had had the same or a greater preponderance we should not have complained; but can you not see other causes for this preponderance? They may suggest themselves to all minds—the history of the country suggest them—but I shall not here state them. There are some things in this Government besides officers. I dislike to institute

comparisons; they are always offensive; but when such distinctions are raised, we must advert to them. We cannot, when we enter into battle, always choose our own weapons; we must be governed in some degree by those with whom we have to contend. When we are taunted with the insinuation that we are overrunning the Union with our slave power, it is, I must say, a most unmerited and unjust accusation. There are some things as valuable and as dear to us as office; there are some things that come more directly home to our fire-sides than office, for instance, your commerce and your trade: how does the comparison stand there? Take your inland trade. What have been the operations between the North and the South? The North has grown up under the compromises of the Constitution, which have borne most oppressively in some cases upon the South. They have borne us to the dust, yet we have not complained. We have seen our substance taken away from us; we have seen the manufacturing resources of the North built up by the commerce and labor of the South;* we have seen their ships in every part of the globe laden for the most part with the products of the South; we have submitted to it all, and complained but little. We have depended upon the action and operation of the Constitution for a mitigation of these oppressions. It comes slowly and grudgingly when it comes at all. I believe I may safely say for all the South, you may have every President from the North, if he be a man in other respects as acceptable, and no man in the South will raise his voice against it. The people of the South do not come to this Government for office; politicians may struggle and contend for offices, but I speak of the great body of the people of the South. They do not care a straw for your offices. You may have all your Presidents and your Secretaries for the next fifty years and we will never complain. We consider the Union a solemn compact; we wish to abide by it, and not reproach our brethren of the North. The interests of the South, without the aid of this Union, might have gone on very well—I will not say as well; but I will say that the South could have better dispensed with the Union than the North; and if I were disposed to pursue this question further, I would ask, what would a certain portion of the North be without the Union? Where would have been employed the ships of Massachusetts and New Hampshire? Where would have been the sale for their productions? Where the value that is given to every little stream of water that flows through their sterile hills? Where the price that is paid for their granite and their ponds of ice, enriching them more than our fertile fields? Give all the wealth that has gone from the South to the North back again, and walls of granite, and palaces, and towns, would rise there also. Reproach us not, then, for any supposed advantage on account of the institution of slavery, or any other peculiar advantage we have under the Constitution. You have the best of the bargain, and you feel, and you know it. We do not complain, neither should you.

Another position assumed by the gentleman is, that the question presented here is, whether we shall adopt slavery in Oregon or not—whether we shall carry it beyond the boundary where it already exists? I cannot, for my life, understand why the gentleman places it upon this footing. He says it has been the custom heretofore to leave the Territories where we find them, in regard to this subject. Do we propose to make any provision for the establishment of slavery in Oregon? If I should come and ask to be permitted to take my

* Mr. WEBSTER, in his speech at Faneuil Hall, on the 6th of November, 1846, said:

“Has not the Constitution given the people great prosperity? Has it not made our flag float in every sea on earth? Has it not fostered our manufactures? Where would Massachusetts have been without it? NOT THE MASSACHUSETTS SHE NOW IS.”

negroes to Oregon, then the case would be different. But who would ever think of conveying his slaves there? With what propriety can the gentleman say that slavery ever will exist there? I am willing to let the matter stand as it is—to say nothing about it. I do not wish to agitate the question. And I would go further, and enter into a compact, that not only upon this occasion, but upon no occasion hereafter, shall the question be agitated. I believe the whole South will agree with me. We have not introduced the subject. Our proper position on this question is defensive. All that we wish is, that we may not be encroached upon. Has the South contended that where slavery does not exist it shall be extended? Never has any such proposition been set up by the South, and never will it be. But we were told yesterday by the Senator from New Hampshire [Mr. HALE] that the interests connected with slavery had produced the Mexican war; that the war grew out of the annexation of Texas; and that annexation was the offspring of the slaveholding interest. When the history of this war comes to be written impartially, it cannot be imputed to the South. But I shall not go into that question now. It is not necessary to do so. When Texas first succeeded in establishing her independence, when the question was first mooted of the annexation of Texas to the United States, I recollect distinctly that many of the people of my State took decided ground against it, in consequence of the danger that the agricultural interests of the State might be interfered with. That ground was taken by many of the presses of the country; but, sir, this question of slavery began to be agitated at the North. You must recollect a most extraordinary occurrence that took place here in March, 1843, when a formal manifesto was sent out from the free States against annexation in relation to slavery, in which the most violent attack was made on the South.* Where was the necessity of thus

* This appeal was preceded by the celebrated speech of Mr. J. Q. Adams, "from the 16th of June to the 7th of July, 1838," and of which he said, "the session of Congress closed before I could finish," and at Braintree, on the 17th of September, 1842; and by the speech of Mr. WEBSTER in March, 1837. Here are the names signed to the address, and some extracts from it. Here was the gauntlet first thrown at us, as it is now; and because we took it up—because we were compelled in self-defence to take it up—we are accused of encroaching on other portions of the Union!

The address itself is not to the people of the United States, but "*To the People of the Free States of the Union.*" It is dated on the 3d of March, 1843, and is signed by twenty-one abolition members of Congress, as follows:

John Quincy Adams,	Seth M. Gates,	William Slade,
William B. Calhoun,	Joshua R. Giddings,	Shelbrook J. Andrews.]
Nathaniel B. Borden,	Thomas C. Crittenden,	John Mattox,
Christopher Morgan,	Joshua M. Howard,	Victory Birdseye,;
Hiland Hall,	David Bronson,	Truman Smith,
Thomas W. Williams,	George N. Briggs,	Charles Hudson,
Staley N. Clark,	Archibald L. Linn,	Thomas A. Tomlinson.

This document ought to be read by every man of the South. I can now furnish only a few quotations. It commences—

"We, the undersigned, in closing our duties to our constituents and our country, as members of the twenty-seventh Congress, feel bound to call your attention very briefly to the project long entertained by a portion of the people of these United States, still pertinaciously adhered to, and intended soon to be consummated—THE ANNEXATION OF TEXAS TO THIS UNION.

"In the press of business incidental to the last days of the session of Congress, we have not time, did we deem it necessary, to enter upon a detailed statement of the reasons which force upon our minds the conviction that this project is *by no means abandoned*. That a large portion of the country interested in the continuance of domestic slavery and the slave trade in these United States have solemnly and unalterably determined *that it shall be speedily carried into execution*. That by this admission, a new slave Territory and slave States, the undue ascendancy of the slaveholding power in the Government shall be secured and riveted beyond all redemption.

"The open avowal of the Texans themselves, the frequent and anxious negotiations of our own Government, the resolutions of the various States of the Union, the numerous declarations of members of Congress, the tone of the southern press, as well as the direct application of the

attracting the attention of the whole world, and agitating the subject at that time? Who commenced it? Was it the South?

Here was the commencement of the agitation—the South was all quiet. We left it to the decision of the people, whatever that decision might be. But for that proclamation, and the feelings to which it gave rise, annexation might have been long delayed. As it was then, so it will be again. We do not start the question; but when the question is made, it is not the character of the South to pass it by. They will expostulate with their friends in the North; they will do all that dignity and a sense of honor permit them to do to prevent it; but when it comes, they will meet it as it ought to be met. They will stand firm, as did our fathers in the Revolution. They have done so already, and it is their glory that they have done so. They would have been unworthy of their ancestors if they had not done it; and I assure gentlemen they will do it still. But do not place us in a false position; it is your own aggression. Let us, then, bury the question, and swear upon the altar of the Constitution that it shall not be exhumed. If you will not do so, take your own course; but I beg of you, when you come to speak of us and of our acts, speak of us as we are, and of our acts according to their true interpretation; speak of us as being encroached upon and as resisting—not as endeavoring to carry our institutions where they are not acceptable. The South, willing as she is to make concessions, is not so fond of them as to make useless concessions.

Texan Government, make it impossible for any man to doubt that annexation and a formation of several new slaveholding States, were originally the policy and design of the slaveholding States and the Executive of the nation.

“Although perfectly aware that many important and controlling objections to annexation exist, aside from the question of slavery, we have, in this address, confined ourselves principally to that, because of its paramount importance, and because *the advocates of annexation distinctly place it upon that ground.*”

The address then proceeds to quote some opinions of Mr. WEBSTER, in March, 1837, as follows:

“We all see that by whomsoever possessed, Texas is likely to be a slaveholding country; and I frankly avow my entire unwillingness to do anything which will extend the slavery of the African race on this continent, or add other slaveholding States to the Union.

“In my opinion, the people of the United States will not consent to bring a new, vastly extensive, and slaveholding country, large enough for half a dozen States, into the Union. **IN MY OPINION, THEY OUGHT NOT TO CONSENT TO IT.** This subject has not only attracted attention as a question of politics, but it has struck a deeper-toned chord. It has arrested the religious feeling of the country. It has taken strong hold on the consciences of men.

“He is a rash man, indeed, and little conversant with human nature, and especially has he a very erroneous estimate of the character of the people of this country, who supposes that a feeling of this kind is to be trifled with or despised. It will assuredly cause itself to be respected.”

He concludes by saying, “I see, therefore, no political necessity for the annexation of Texas to the Union.”

The address from Mr. Adams and others then proceeds:

“We hesitate not to say, that annexation, effected by any act or proceeding of the Federal Government, or any of its departments, **WOULD BE IDENTICAL WITH DISSOLUTION.** And we not only assert that the people of the free States ought not to submit to it, but we say with confidence they *would not submit to it.*”

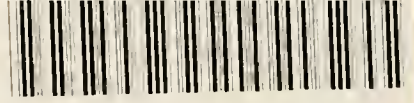
It then concludes with the following appeal:

“To prevent the success of this nefarious project—to preserve from such gross violation the Constitution of our country, adopted expressly to ‘*secure the blessings of liberty,*’ and not the perpetuation of slavery, and to prevent the speedy and violent dissolution of the Union, we invite you to unite, without distinction of party, in an immediate expression of your views on this subject, in such manner as you may deem best calculated to answer the end proposed.”

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